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**TO:**Name: Mail Stop AMENDMENT  
Group Art Unit 3738  
Examiner David Isabella

Firm: U.S. Patent &amp; Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/697,835

Gary K. Michelson

Filed: October 30, 2003

ORTHOPEDIC IMPLANT SURFACE

CONFIGURATION WITH A PROJECTION

HAVING A BACK CUT

Attorney Docket No. 101.0094-01000

Customer No. 22882

Confirmation No.: 9278

**FROM:**

Name: Amedeo F. Ferraro, Esq.

Phone No.: 310-286-9800

No. of Pages (including this): 5

Date: June 6, 2007

Confirmation Copy to Follow: NO

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Issue Fee Transmittal (in duplicate; \$1,700.00 total amount to cover the \$1,400 issue fee and \$300 publication fee to be charged to Deposit Account No. 50-3726) and Comments on Statement of Reasons for Allowance are being facsimile transmitted to the U.S. Patent and Trademark Office on June 6, 2007.

  
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PATENT  
Attorney Docket No. 101.0094.01000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Confirmation No.: 9278  
Gary K. Michelson )  
Serial No.: 10/697,835 ) Group Art Unit: 3738  
Filed: October 30, 2003 ) Examiner: David J. Isabella  
For: ORTHOPEDIC IMPLANT SURFACE )  
CONFIGURATION WITH A ) Notice of Allowance dated:  
PROJECTION HAVING A BACK CUT ) May 29, 2007

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Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Applicant hereby submits the following comments to the examiner's statement of reasons for allowance in the first paragraph on page 2 of the Notice of Allowability mailed on May 29, 2007.

Applicant agrees with the Examiner's statement that "the prior art fails to disclose and/or fairly teach in combination (sic) orthopedic implant having a leading end, an opposite trailing end, spaced apart sides therebetween, and a mid-longitudinal axis passing through said leading and trailing ends; an exterior surface including a plurality of projections, at least a first and a second projections (sic) each having at least one forward facing facet directed at least in part toward the leading end and at least one rearward facet directed at least in part toward the trailing end, each forward facet and rearward facet having a length and a slope, the length of the forward facet being longer than the length of the rearward facet, the slope of said rearward facet being steeper than the slope of the said forward facet, the slope of the forward facets of the first and second surface projections being the same, at least a portion of the rearward facet (sic) the first surface projection overlying a portion of the forward facet of the second surface projection, the first and second projections each having opposed side facets directed generally toward the spaced (sic) apart sides, respectively, the side facets being located

between the forward facet and the rearward facet of the first and second surface projections." Applicant further submits that the cited art also fails to anticipate or render obvious any of the allowed claims of the present application.

Applicant submits that the scope of the allowed claims is broader than the above statement of the Examiner taken alone may suggest and that each of the claims define the scope of Applicant's claimed invention. The Examiner appears to be basing his statement on allowed claim 1 as a representative claim for his statement. By way of example, of the independent claims only claim 1 recites "at least a portion of said rearward facet of said first surface projection overlying a portion of said forward facet of said second surface projection." Independent claims 60, 82, 119, and 175 do not have recitations to at least a portion of the rearward facet of the first surface projection overlying a portion of the forward facet of the second surface projection.

It is requested that these comments be considered and made of record in the above-identified application. Please grant any extensions of time required to enter this paper and charge any additional required fees to our deposit account 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: June 6, 2007

By: 

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